IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

OP.No. 32673 of 2000(M)
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PETITIONER:
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RAMA VARMA UNION CLUB, UNION CLUB ROAD, KOTTAYAM,
REPRESENTED BY ITS SECRETARY, ALEX CHERIAN

BY ADV. SRI.JOSEPH MARKOSE
SRI.THOMAS VELLAPPALLY

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE ASST. LABOUR OFFICER, KOTTAYAM FIRST CIRCLE, KOTTAYAM.

BY GOVERNMENT PLEADER SMT. R. BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 55773 OF 2000 IN OP 32673 OF 2000

DISMISSED

16.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF REGISTRATION CERTIFICATE NO. 220/91 DATED 20.3.1991

EXT.P2 TRUE COPY OF THE INSPECTION REPORT NO. 01430 DATED 29.7.2000

EXT.P3 TRUE COPY OF REGISTRATION CERTIFICATE NO. 2718 DATED 4.8.2000

EXT.P4 TRUE COPY OF LETTER DATED 28.8.2000 OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF LETTER DATED 18.9.2000 OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P6 TRUE COPY OF LETTER NO. 622/2000 DATED 8.11.2000 OF THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

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O.P. NO. 32673 OF 2000

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Dated this the 16th day of March, 2007

JUDGMENT

The issue raised, that is whether a club is liable to be registered under the Shops and Commercial Establishments Act, is held in principle against the petitioner vide judgment of this court in COCHIN YACHT CLUB V. STATE OF KERALA, (2006) 3 KLT 67. However, petitioner has a further case that the number of employees are below statutory limit. This is a factual issue which will be considered by the Deputy Labour Commissioner or Labour Officer, whoever is in charge of registration. Respondents are directed to conduct enquiry about the number of employees and demand registration only if petitioner is liable.

O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge